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USDC SDNY  
DOCUMENT  
ELECTRONICALLY FILED  
DOC #:  
DATE FILED: 1/6/2022

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January 5, 2022

**VIA ECF**

The Honorable Analisa Torres, U.S.D.J.  
United States District Court  
Southern District of New York  
500 Pearl Street  
New York, New York 10007

Re: *Adams v. 339-347 East 12th Street Investor, LLC et al.*  
Case No. 1:21-cv-06441-AT-SDA

Dear Judge Torres:

We represent defendant 339-347 East 12th Street Investor, LLC (“East 12th”) in this case. We write, pursuant to Rule I(C) of the Court’s Individual Practices and with Plaintiff’s counsel’s consent (which we just received confirmation of today), to respectfully request extensions of time for: (i) East 12th to respond to the Complaint, which response is presently due by January 5, 2022 and (ii) the parties to file their joint letter and proposed Case Management Plan, which are presently due by January 7, 2022.

The basis for this request is that our recent acquisition of information (having recently substituted in for East 12th’s prior counsel of record) has led us to the conclusion that filing a response to the Complaint or a Case Management Plan at this time would be premature. In the Complaint, Plaintiff alleges that the premises located at 345 East 12th Street, Ground Floor, New York, New York (the “Premises”) contain physical barriers to access and thus fails to comply with the accessibility guidelines of the Americans with Disabilities Act. We were recently provided with a copy of the lease for the Premises (the “Lease”), entered into between East 12th, as landlord, and co-defendant SaltwaterNYC LLC (“Saltwater”), as tenant.<sup>1</sup> Under the Lease, Saltwater has certain indemnification, defense, and hold harmless obligations to East 12th that we believe apply to all of Plaintiff’s claims in this case. We recently sent correspondence to Saltwater regarding its obligations pursuant to the Lease, but we have yet to receive a response.

If Saltwater were to accept its obligations under the Lease, it would, as tenant-in-possession, be in the best position to identify and remedy any alleged access issues at the Premises, and its counsel would presumably step in to defend both Saltwater and East 12th. Because we

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<sup>1</sup> Co-Defendant Saltwater has not yet appeared in this case.

Hon. Analisa Torres, U.S.D.J.  
U.S. District Court, S.D.N.Y.  
January 5, 2022  
Page 2 of 2

have not yet received Saltwater's response and have not yet been able to confirm whether it intends to defend itself and East 12th in this case, we believe that filing a response to Plaintiff's Complaint, or a proposed Case Management Plan without Saltwater's involvement would be premature and could limit or prejudice Saltwater in this case.

Given these circumstances, we, with Plaintiff's counsel's consent, respectfully request an extension of time of thirty (30) days, as follows: to February 7, 2022 for East 12th to answer, move, or otherwise respond to the Complaint and to February 9, 2022 for the parties to submit a joint letter and proposed Case Management Plan. We require these extensions in order to allow us time to make additional attempts at contacting Saltwater and to determine its intentions regarding this case.

This request is the third by our firm, on behalf of East 12th, for an extension of its time to respond to the Complaint, and the second for an extension of the parties' time to submit a joint letter and proposed Case Management Plan. The previous requests, also upon consent, were all granted. This requested extension would not affect any other scheduled dates, as these are the only deadlines on the Court's docket for this case

We appreciate the Court's consideration of this request. Counsel for the parties are available at the Court's convenience should it have any questions.

GRANTED. By **February 7, 2022**, Defendant East 12th shall answer or otherwise respond to the complaint. By **February 9, 2022**, the parties shall submit their joint letter and proposed case management plan. If Defendant Saltwater has not appeared in this action by January 15, 2022, Plaintiff shall move for default judgment against it by **February 7, 2022**, in accordance with Attachment A of the Court's Individual Practices in Civil Cases.

SO ORDERED.

Dated: January 6, 2022  
New York, New York

  
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ANALISA TORRES  
United States District Judge